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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,570	04/01/2004	Donna Denine Glenn		1231

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Danna D. Glenn
PO Box 1177
Sandpoint, ID 83864

EXAMINER

GUGLIOTTA, NICOLE T

ART UNIT	PAPER NUMBER
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1709

MAIL DATE	DELIVERY MODE
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10/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,570

Applicant(s)

GLENN, DONNA DENINE

Examiner

Nicole T. Gugliotta

Art Unit

1709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11 - 23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11 - 23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/30/2004</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. Examiner counted 347 words in applicant's abstract.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 11, 22, and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 11, filed 12/30/2004, comprises the following, which was not part of the original disclosure filed 4/1/2004:

Art Unit: 1709

wherein each panel extending from each fold line does not cross a first imaginary line extending from the first adjacent fold line when the sheet is either flat or folded along the fold line from which the panel extends, but does not cross a second imaginary line extending from the second adjacent fold line when the sheet is flat, and does cross the actual second adjacent fold line when the sheet is folded along the fold line from which the panel extends

This part of Claim 11 is considered new matter. The specification and drawings filed earlier do not define the imaginary lines referred to in this claim, nor teach the folding of the panels with respect to these lines.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The disclosure of the first and second imaginary lines in Claim 11 quoted above cannot be understood by someone skilled in the art. In addition, there is no clarification in the specification or drawings as to the location of the first or second imaginary lines relative to the invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

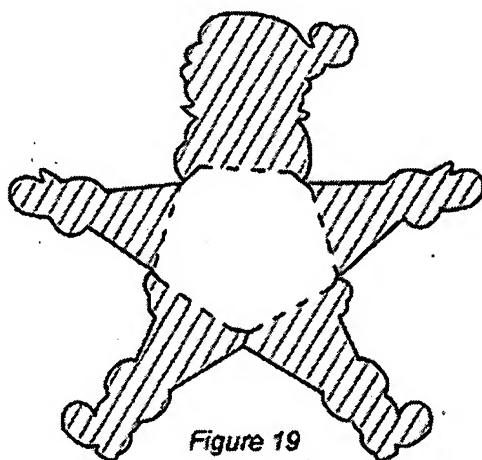
6. Claim 1 - 17, and 19 – 20 are rejected under 35 U.S.C. 102(b) as being patented by Stevens (U.S. Pat. 3,572,958).

7. Applicant claims a manufacture comprising a planar sheet with an interior central region, wherein a perimeter of the interior central region is defined by fold lines of the planar sheet; wherein a remainder of the planar sheet consists of panels extending from each of the fold lines; wherein the fold line from which each of panel extends is adjacent to a first adjacent fold line and to a second adjacent fold line; and wherein each panel extending from each fold line does not cross a first imaginary line extending from the first adjacent fold line when the sheet is either flat or folded along the fold line from which the panel extends, but does cross a second imaginary line extending from the second adjacent fold line when the sheet is flat, and does cross the actual second adjacent fold line when the sheet is flat, and does not cross the actual second adjacent fold line when the sheet is folded along the fold line from which the panel extends. The interior central region is a polygon having five or more sides, wherein the panels comprise ornamental designs. The planar sheet is made of paper and the panels

Art Unit: 1709

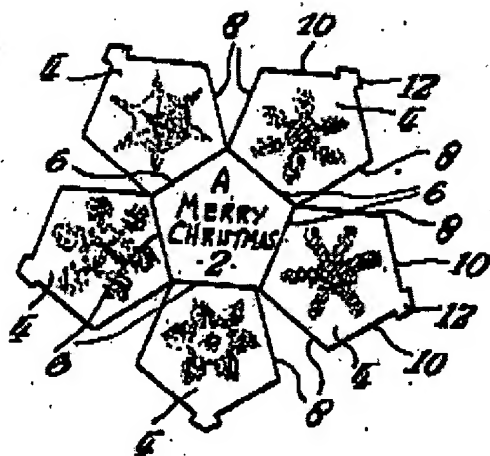
completely cover the interior region when folded. The panels of the manufacture comprised printed or painted ornamental designs when the sheet is folded.

8. APPLICANT'S INVENTION (Figure 19)



9. Stevens disclose a blank (equivalent to what applicant defines as a planar sheet) made of cardboard sheet material, which consists of a central polygonal panel to each edge of which is hingedly attached a pentagonal flap (five – sided panel), which is further bounded by two inner sides flanking the side common to the flap and panel and two outer sides. The blanks are caused to adopt a polygonal configuration but can be flattened against the influence of the closed loop of resilient material for insertion into a flat container such as a mailing envelope or the like.

10. PRIO ART (Stevens, Figure1)



11. The disclosure of Stevens is commensurate with applicant's claim of a planar sheet with an interior central region of a polygon of 5 sides or more, defined by fold lines. The panels extend from the fold lines, wherein the panels have ornamental designs. Cardboard sheet material is comprised entirely of paper, therefore Stevens' Invention is made of paper. As can be seen from Figure 1 of Stevens' invention, the ornamental design can be printed or painted onto the panel sheets. When the panels of Stevens' invention are folded inward, the entire central region would be covered.

12. Claims 1- 13, 16 – 18, 21 - 23 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention.

13. Applicant claims a manufacture comprising a planar sheet with an interior central region, wherein a perimeter of the interior central region is defined by fold lines of the planar sheet; wherein a remainder of the planar sheet consists of panels extending from

Art Unit: 1709

each of the fold lines; wherein the fold line from which each of panel extends is adjacent to a first adjacent fold line and to a second adjacent fold line; and wherein each panel extending from each fold line does not cross a first imaginary line extending from the first adjacent fold line when the sheet is either flat or folded along the fold line from which the panel extends, but does cross a second imaginary line extending from the second adjacent fold line when the sheet is flat, and does cross the actual second adjacent fold line when the sheet is flat, and does not cross the actual second adjacent fold line when the sheet is folded along the fold line from which the panel extends. The interior central region is a polygon having five or more sides, wherein the panels comprise ornamental designs. The planar sheet is made of paper and the panels completely cover the interior region when folded. The panels of the manufacture comprised printed or painted ornamental designs when the sheet is folded. In addition, the manufacture is flat when the manufacture is folded along the fold lines from which the panels extend. The manufacture can be a card or a bow.

14. APPLICANT'S INVENTION (Figures 9,10 and 21)

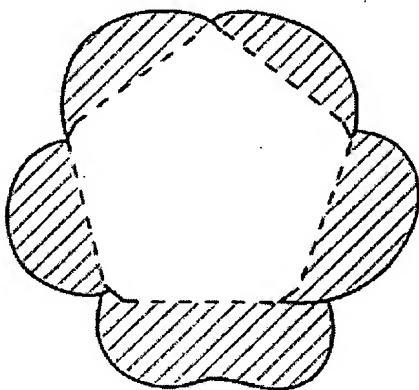


Figure 9

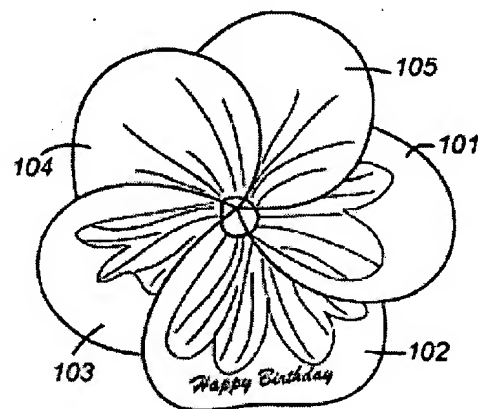


Figure 10

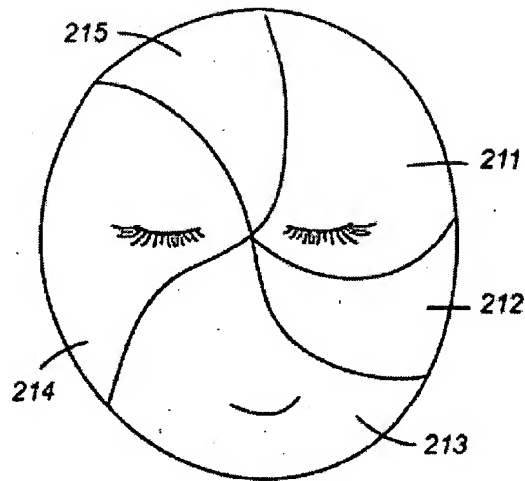
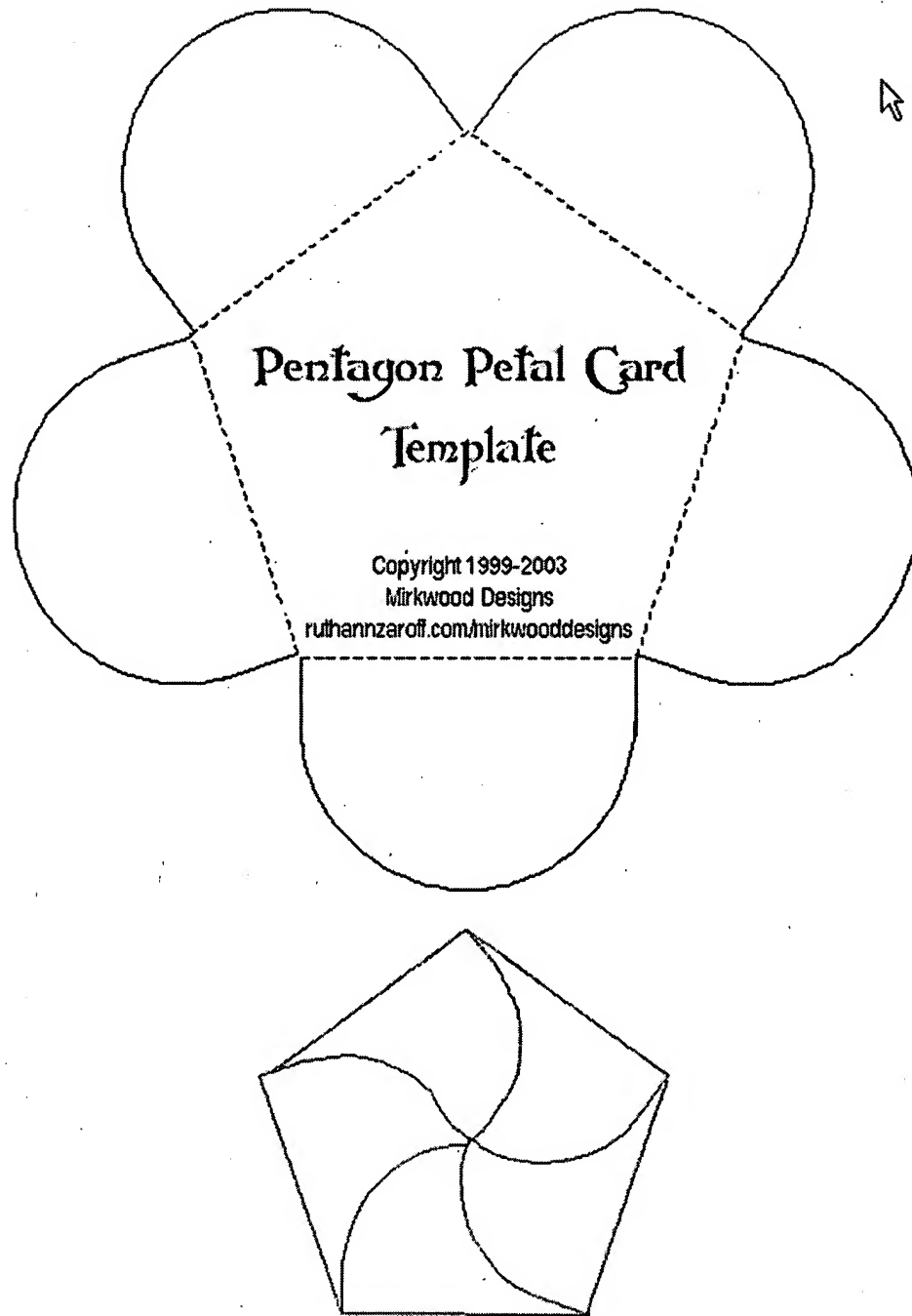


Figure 21

15. Mirkwood Designs, which can be found at <http://www.ruthannzaroff.com/mirkwooddesigns/pentagon.htm>, disclose a pentagon petal card template that is commensurate with applicant's invention.
16. PRIOR ART (Mirkwood Designs)



17. Origami cards are fairly common and can be found very easily when searching the Internet. The pentagon petal card by Mirkwood Designs shown above is just one example of such a card. The manufacture of this card is the same as applicant's invention: an interior central polygon shape, specifically a pentagon, with attaching

Art Unit: 1709

panels, which fold inward and under one another. As seen from the list of templates on the webpage for Mirkwood Designs, there is no restriction for the shape of the panels.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 14, 15, 19, 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Mirkwood Designs, in view of Stevens.

20. Applicant claims the panels of the manufacture comprise ornamental designs, which may be printed or painted on to the manufacture.

21. It would be obvious to one skilled in the art at the time the invention was made that designs may be printed or painted onto paper products to make the manufactured object an ornament or card for a desired occasion. Painting and writing on paper ornaments is a common aspect of kindergarten curriculums in schools across the United States.

Double Patenting

22. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

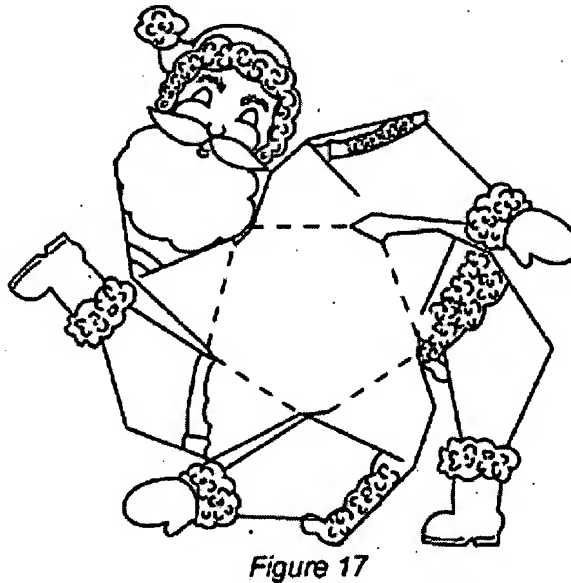
Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

23. Claims 11, 12, 13, 14, 15, 17, 18, and 22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 8, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, and 22 of copending Application No. 11/189554. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claim folded paper structures have the same general configuration and the applications share the same drawings. Given the overlapping subject matter, one could not practice the claims of one separately from those of the other.

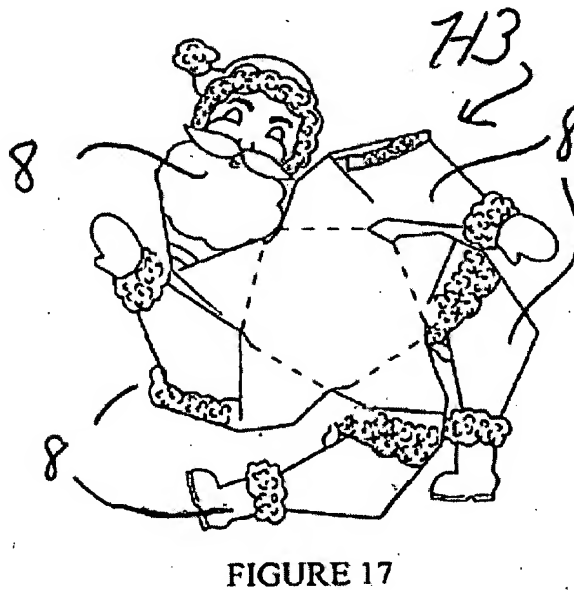
Art Unit: 1773

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

24. INVENTION OF THIS APPLICATION (Figure 17)



25. INVENTION OF APPLICATION 11/189544 (Figure 17)



Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole T. Gugliotta whose telephone number is 571-270-1552. The examiner can normally be reached on M - F (first Friday off) 7:30 a.m. - 5 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Lawrence Tarazano can be reached on 571-272-1550. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


D. LAWRENCE TARAZANO
PRIMARY EXAMINER

Nicole T. Gugliotta
Examiner
Art Unit 1709